

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, STATE OF  
COLORADO, STATE OF CALIFORNIA,  
STATE OF ARIZONA, STATE OF  
DELAWARE, DISTRICT OF COLUMBIA,  
STATE OF HAWAI'I, STATE OF  
ILLINOIS, STATE OF MARYLAND,  
STATE OF MINNESOTA, STATE OF  
NEW JERSEY, STATE OF NEW  
MEXICO, STATE OF NEW YORK,  
STATE OF OREGON, STATE OF  
RHODE ISLAND, STATE OF VERMONT,  
STATE OF WISCONSIN,

PLAINTIFFS,

V.

U.S. DEPARTMENT OF  
TRANSPORTATION; SEAN DUFFY, IN  
HIS OFFICIAL CAPACITY AS  
SECRETARY OF TRANSPORTATION;  
FEDERAL HIGHWAY  
ADMINISTRATION; AND GLORIA M.  
SHEPHERD, IN HER OFFICIAL  
CAPACITY AS ACTING  
ADMINISTRATOR OF THE FEDERAL  
HIGHWAY ADMINISTRATION,

DEFENDANTS

NO. 2:25-CV-00848

ORDER GRANTING PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION

[PROPOSED]

NOTE ON MOTION CALENDAR:  
JUNE 4, 2025

ORAL ARGUMENT REQUESTED

This matter came before the Court on the Motion for Preliminary Injunction by States of  
Washington, California, Colorado, Arizona, Delaware, Hawaii, Illinois, Maryland, Minnesota,

1 New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Wisconsin, and the  
 2 District of Columbia (collectively, Plaintiff States). Having considered the Motion, Defendants’  
 3 response, if any, and the arguments of the parties, if any, the Court, for the reasons stated in the  
 4 accompanying Memorandum and Opinion, hereby ORDERS that:

5 1. Defendants and all their respective officers, agents, servants, employees and  
 6 attorneys, and any person in active concert or participation with them who receive actual notice  
 7 of this order are hereby fully enjoined from the following:

8 a. Categorically “suspending” or revoking approvals of Plaintiff States’ State  
 9 Electric Vehicle Infrastructure Deployment Plans;

10 b. Withholding or withdrawing NEVI Formula Program funds for any reason not  
 11 set forth in the IIJA or applicable FHWA regulations, and without following the IIJA’s  
 12 procedural requirements, including by refusing to review and process Plaintiff States’  
 13 requests for authorization to obligate funds for specific EV charging infrastructure  
 14 development activities in the normal course.

15 c. Effectuating a categorical suspension or termination of the NEVI Formula  
 16 Program for Plaintiff States through any other means.

17 2. Defendants’ attorneys shall provide written notice of this Order to all Defendants  
 18 and agencies and their employees or contractors with responsibility for administering the NEVI  
 19 Formula Program by \_\_\_\_\_, 2025. Defendants shall file a copy of the notice on the docket at  
 20 the same time.

21 This preliminary injunction remains in effect pending further orders from this Court.

22  
 23 DATED this \_\_\_\_ day of \_\_\_\_\_ 2025.

24  
 25  
 26 \_\_\_\_\_  
 THE HONORABLE  
 UNITED STATES DISTRICT JUDGE

1 Presented by:

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12 *\*pro hac vice application pending*

13 *\*\*pro hac vice application forthcoming*